MR. CHAIRMAN: The House is adjourned till 4.00 P.M.

The House then adjourned at thirty-seven minutes past eleven of the clock.

The House re-assembled at four of the clock,

MR. CHAIRMAN in the Chair.

MESSAGE FROM LOK SABHA

The Finance (No.2) Bill, 2004

SECRETARY GENERAL: Sir, I have to report to the House the following message received from the Lok Sabha, signed by the Secretary-General of the Lok Sabha: -

> "In accordance with the provisions of rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose the Finance (No.2) Bill, 2004, as passed by Lok Sabha at its sitting held on the 26th August, 2004.
>
> The Speaker has certified that this Bill is a Money Bill within the meaning of article 110 of the Constitution of India."

Sir, I lay a copy of the Bill on the Table.

GOVERNMENT BILLS - *Contd.*

The Finance (No.2) Bill, 2004

MR. CHAIRMAN: The Finance (No.2) Bill, 2004.

THE MINISTER OF FINANCE (SHRI P. CHIDAMBARAM): Sir, I beg to move

> "That the Bill to give effect to the financial proposals of the Central Government for the financial year 2004-2005, as passed by Lok Sabha, be taken into consideration."

The question was proposed.

MR. CHAIRMAN: Any Member desiring to speak may do so, after which the Minister will reply.

SHRI BIMAL JALAN : Mr. Chairman, Sir, as you are aware, in the morning also, I had raised an issue that while I respect fully the wishes of

the major parties, because we are in a parliamentary form of Government, party' parliamentary form of Government. So, if they decide something, there is nothing that the individual Member can Change it, even though some of their Members may themselves differ as to whether the decision taken either by the parties in power, or, by the parties in power plus the parties in Opposition, was right or not. This morning, Sir, I requested you that we Should have a division so that one or two of us who disagreed with the decisions of, let us say, the overwhelming majority of parties could, at least, register for the public purpose, and, in the public interest that we don't agree with the procedure which was adopted. Some may have substantive differences; some may have procedural differences. At the present time, I am speaking in great discomfort because I cannot ask for a division just now, and, because if I do, it would be regarded, may be wrongly, that I am opposed to the great work done by the present Finance Minister, and, because if I vote against the Bill, that is likely to be misunderstood. Therefore, I would once again, just reiterate my deep anguish about the position at which we have arrived where a major parliamentary legislation is to be adopted by this House by a voice vote. This is something, which is very, very strange. Might have happened before, but it is against the constitutional design. I don't think there has been ever a Parliament session which has happened like this at any time. We may differ on things, but there is a procedure, there is a constitutional design. There should be no taxation without representation, and, I am sure, now the Finance Minister is going to tax us without representation. So, Sir, this is a great discomfort, but I sit down, and, I leave it in your good hands and in the hands of the Government, the Finance Minister, to see as to how he handles the situation. Thank you.

MR. CHAIRMAN: Thank you. Your protest has been well recorded.

SHRI FALI S. NARIMAN (Nominated): Mr. Chairman, Sir, I just wish to add .one thing because I have said what I wished to say in-the morning as you may be aware. All that I wish to say is that the leaders of the major political parties -- and I don't exclude those in Government -- should eschew, for the future, at least, from entering into these deals. With great respect, we feel very hurt and upset. Sir, in a parliamentary system of democracy, I do agree that major political parties can agree to certain things, but ultimately they must see to the interest of the general run of Members and the working of the Constitution. And, I believe, if we are to

maintain this parliamentary system of Government, we must go through the forms, through the motions, have the discussions whatever they are, sit, if necessary, for the whole evening, for half-the-night, like the other House does, and, thereafter have everything passed, and, not in this fashion. Particularly, I protest against taking away of the Private Members' Business day, which will come up tomorrow, and, Sir, there will be no tomorrow. Thank you.

MR. CHAIRMAN: Your protest has been well noted. Thank you.

MR. CHAIRMAN (CONTD.): The question is:

'That the Bill to give effect to the financial proposals of the Central Government for the financial year 2004-05, as passed by Lok Sabha, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 121, the first Schedule and the second Schedule were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI P. CHIDAMBARAM: Sir, I beg to move

That the Bill be returned.

The question was put and the motion was adopted.

PAPER LAID ON THE TABLE - *Contd.*

Fiscal Responsibility and Budget Management Act, 2003

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S.S. PALANIMANICKAM) : Sir, I lay on the table, under sub-section (1) of section 7 of the Fiscal Responsibility and Budget Management Act, 2003, a copy (in English and Hindi) of the Statement on Quarterly Review of the trends in receipts and expenditure in relation to the Budget during the first quarter (April-June) of the financial year 2004-05. [Placed in Library. *See* No. L.T.-670/04]